

MINUTES

MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Acting Chairperson, Dan McGee, on March 18, 2009
at 9:00 A.M., in Room 303 Capitol

ROLL CALL

Members Present:

Sen. Jim Shockley, Vice Chairman (R)
Sen. Aubyn Curtiss (R)
Sen. John Esp (R)
Sen. Greg Hinkle (R)
Sen. Larry Jent (D)
Sen. Carol C. Juneau (D)
Sen. Cliff Larsen (D)
Sen. Jesse Laslovich (D)
Sen. Dan McGee (R)
Sen. Lynda Moss (D)
Sen. Terry Murphy (R)

Members Excused: Sen. Gary L. Perry, Chairman (R)

Members Absent: None

Staff Present: Valencia Lane, Legislative Branch
Pam Schindler, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 431, HB 407, 3/11/2009

Executive Action: HB 295-Tabled, HB 431-Tabled, HB
322-Be Concurred In, HB 407-Be
Concurred In As Amended, HJR-14-Be
Concurred In As Amended, HB 397-Be
Concurred In As Amended

HEARING ON HB 431

Opening Statement by Sponsor:

00:01:05 Rep. Anders Blewett (D), HD 21, opened the hearing on
HB 431, Revise dog bite laws.

Proponents' Testimony:

00:05:16 Rep. Don Roberts, HD 56

Opponents' Testimony:

00:07:08 Bob Branson, self
00:10:27 Virginia Geier, self
00:13:02 Dave Wood, self
00:19:57 Royal Aubrey Davis, Attorney
00:23:53 Pat Wood, self
00:24:49 Greg Van Horssen, State Farm Insurance Company
00:29:22 Dwight Easton, Farmers Insurance Group
00:30:07 Beth Baker, Montana Defense Trial Lawyers Association

EXHIBIT(jus60b01)

Informational Testimony:

None

Questions from Committee Members and Responses:

00:32:17 Sen. Hinkle
00:33:56 Rep. Blewett
00:35:17 Sen. McGee
00:35:24 Rep. Blewett
00:40:40 Sen. McGee
00:41:00 Mr. Van Horssen
00:42:53 Sen. Laslovich
00:43:19 Mr. Van Horssen
00:43:46 Sen. Laslovich
00:44:16 Rep. Blewett
00:46:09 Sen. Shockley
00:46:13 Rep. Blewett

Closing by Sponsor:

00:48:38 Rep. Blewett

00:50:35 Break

(Sen. Perry upon completion of his bill presentation in the House Business and Labor Committee entered the room.)

HEARING ON HB 407

Opening Statement by Sponsor:

01:01:10 Rep. Margaret MacDonald (D), HD 54, opened the hearing on HB 407, Protect children from sexual exploitation and abuse.

Proponents' Testimony:

01:05:04 Steve Bullock, Attorney General, Department of Justice (DOJ)

EXHIBIT(jus60b02)

01:10:55 Dallas Erickson, Montana Citizens for Decency through Law

EXHIBIT(jus60b03)

01:13:06 Harris Himes, Pastor, Big Sky Christian Center

01:14:22 Pam Bucy, Montana Association of Chiefs of Police, Montana Police Protective Association

01:14:50 Judy Reel, Montana Coalition Against Domestic and Sexual Violence

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

01:15:22 Sen. McGee

01:15:47 Mr. Bullock

01:18:54 Sen. Moss

01:20:33 Mr. Bullock

01:22:15 Sen. Shockley

01:22:25 Mr. Bullock

01:23:56 Sen. Perry

01:24:26 Mr. Bullock

01:27:20 Sen. Laslovich

01:27:36 Mr. Bullock

Closing by Sponsor:

01:30:00 Rep. MacDonald

**Distributed the the Committee Members regarding HB 228 heard
3/17/09:**
EXHIBIT(jus60b04)

01:30:30 break

EXECUTIVE ACTION ON HB 431

01:55:44 **Motion:** Sen. Laslovich moved that **HB 431 BE CONCURRED
IN.**

01:56:00 **Motion:** Sen. Laslovich moved that **HB 431 BE AMENDED
WITH A CONCEPTUAL AMENDMENT TO STRIKE LINE 14, 18, AND
19.**

Discussion:

01:57:05 Sen. McGee

01:57:20 Sen. Laslovich

01:58:08 **Vote:** Motion that **HB 431 BE AMENDED** carried 9-3 by
voice vote with Sen. Esp, Sen. Hinkle, and Sen. Murphy
voting no.

01:58:38 **Motion:** Sen. Laslovich moved that **HB 431 BE CONCURRED
IN AS AMENDED.**

Discussion:

01:59:12 Sen. Murphy

01:59:35 Sen. Jent

02:00:22 Sen. Esp

02:01:35 Sen. Perry

02:01:58 Sen. Shockley

02:02:19 **Vote:** Motion that **HB 431 BE CONCURRED IN AS AMENDED**
failed 6-6 by roll call vote with Sen. Jent, Sen.
Juneau, Sen. Larsen, Sen. Laslovich, Sen. Moss, and
Sen. Shockley voting aye.

02:03:19 **Motion/Vote:** Sen. Esp moved that **HB 431 BE TABLED**.
Motion carried 7-5 by roll call vote with Sen. Jent,
Sen. Juneau, Sen. Larsen, Sen. Laslovich, and Sen. Moss
voting no.

EXECUTIVE ACTION ON HB 295

02:05:27 **Motion:** Sen. Shockley moved that **HB 295 BE CONCURRED
IN**.

Discussion:

02:05:42 Sen. McGee

02:08:18 Sen. Jent

02:09:43 Sen. Shockley

02:13:31 **Vote:** Motion that **HB 295 BE CONCURRED IN** failed by
roll call vote 5-7 with Sen. Juneau, Sen. Larsen,
Sen. Laslovich, Sen. Moss, and Sen. Perry voting aye.

02:14:12 **Motion/Vote:** Sen. Shockley moved that **HB 295 BE TABLED
AND THE VOTE REVERSED**. Motion carried.

EXECUTIVE ACTION ON HB 322

02:15:30 **Motion:** Sen. Shockley moved that **HB 322 BE CONCURRED
IN**.

Discussion:

02:15:41 Sen. Jent

02:16:57 Sen. McGee

02:18:46 Sen. Perry

02:19:16 Sen. Laslovich

02:19:41 **Vote:** Motion that **HB 322 BE CONCURRED IN** carried
unanimously by voice vote. Sen. Shockley will carry HB
322 on the Senate floor.

EXECUTIVE ACTION ON HB 397

02:20:39 **Motion:** Sen. Esp moved that **HB 397 BE CONCURRED IN.**

02:20:46 **Motion:** Sen. Esp moved that **HB 397 BE AMENDED.**
EXHIBIT(jus60b05)

Discussion:

02:22:17 Sen. Laslovich
02:22:34 Sen. Esp
02:22:55 Valencia Lane, Legislative Services Division
02:23:26 Ms. Lane
02:23:37 Sen. Esp
02:24:20 Ms. Lane

02:25:48 **Vote:** Motion that **HB 397 BE AMENDED** carried 9-3 by
voice vote with Sen. Hinkle, Sen. Larsen, and Sen.
Laslovich voting no.

02:25:53 **Motion:** Sen. Esp moved that **HB 397 BE CONCURRED IN AS**
AMENDED.

Discussion:

02:25:59 Sen. Perry
02:27:47 Sen. Larsen
02:27:53 Sen. McGee
02:28:33 Ms. Lane
02:29:40 Sen. Perry
02:30:16 Sen. McGee
02:31:03 Sen. Esp

02:32:04 **Motion:** Sen. Perry moved that **HB 397 BE AMENDED on**
PAGE 2, LINE 11, AFTER THE WORD REGISTRY, ADD "THE
DEPARTMENT SHALL CONSULT THE REGISTRY AND NOTIFY THE
THE RELATIVES...".

02:33:24 **Vote:** Motion that **HB 397 BE AMENDED** carried 11-1 by
voice vote with Sen. Laslovich voting no.

02:33:37 **Motion:** Sen. Esp moved that **HB 397 BE CONCURRED IN AS**
AMENDED.

Discussion:

02:33:43 Sen. McGee

02:33:59 Sen. Esp

02:34:11 **Vote:** Motion that **HB 397 BE CONCURRED IN AS AMENDED** carried 11-1 by voice vote with Sen. Laslovich voting no. Sen. Esp will carry HB 397 on the Senate floor.

EXECUTIVE ACTION ON HJ 14

02:35:13 **Motion:** Sen. Shockley moved that **HJ 14 BE CONCURRED IN.**

02:35:26 **Motion:** Sen. Laslovich moved that **HJ 14 BE AMENDED.**
EXHIBIT(jus60b06)

02:36:50 **Motion:** Sen. Shockley moved that **HJ 14 BE AMENDED TO SEGREGATE SECTION #3 OF THE AMENDMENT FROM #1 AND #2.**

02:37:35 Ms. Lane

02:37:38 Sen. Perry ruled without objection to **SEGREGATE #3 FROM SECTION #1 AND #2.**

02:38:18 Ms. Lane

Discussion:

02:38:48 Sen. McGee

02:39:31 Sen. Laslovich

02:42:38 Sen. Shockley

02:43:00 Sen. Laslovich

02:43:40 Sen. Shockley **WITHDREW THE MOTION TO SEGREGATE #3 FROM SECTION #1 AND #2.**

02:43:56 **Vote:** Motion that **HJ 14 BE AMENDED** (with Exhibit 6 in its entirety) carried 8-4 by roll call vote with Sen. Curtiss, Sen. Hinkle, Sen. McGee, and Sen. Murphy voting no.

Discussion:

02:44:51 Sen. Moss

02:45:28 Sen. Jent

02:45:34 Sen. Shockley

02:45:46 Sen. Laslovich

02:46:22 Sen. Perry

02:46:53 Sen. Juneau

02:47:32 Sen. Shockley

02:47:40 **Vote:** Motion that **HJ 14 BE CONCURRED IN AS AMENDED** carried 7-5 by roll call vote with Sen. Esp, Sen. Larsen, Sen. Jent, Sen. Juneau, and Sen. Moss voting no. Sen. Hinkle will carry HJ 14 on the Senate floor.

EXECUTIVE ACTION ON HB 407

02:49:25 **Motion:** Sen. Shockley moved that **HB 407 BE CONCURRED IN**.

02:49:35 **Motion:** Sen. Shockley moved that **HB 407 BE AMENDED WITH A CONCEPTUAL AMENDMENT ON PAGE 2, LINE 1, DELETE: "OR ATTEMPTS TO TRAVEL ANY DISTANCE..."**.

Discussion:

02:50:11 Sen. Shockley

02:50:35 Sen. McGee

02:51:00 Ms. Lane

02:51:36 shockley

02:51:54 **Vote:** Motion that **HB 407 BE AMENDED** carried 10-2 by voice vote with Sen. Juneau and Sen. Laslovich voting no.

02:52:09 **Motion/Vote:** Sen. Shockley moved that **HB 407 BE CONCURRED IN AS AMENDED**. Motion carried unanimously by voice vote. Sen. Laslovich will carry HB 407 on the Senate floor.

ADJOURNMENT

Adjournment: 11:53 A.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT ([jus60bad.pdf](#))